



Zoning Bylaw Working Group

Date: March 3, 2021
Time: 8:30 AM to 9:30 AM
Location: Virtual Meeting

Minutes

Present: Pam Heidell, Charlie Kalauskas, Christian Klein, Jenny Raitt, Stephen Revilak, David Watson, John Worden, Erin Zwirko.

Absent: Mike Byrne, Adam Chapdelaine.

Erin opened the meeting by reading the preamble for virtual meetings. The purpose of the meeting was to review the various zoning amendments submitted to the 2021 Annual Town Meeting. Erin indicated that ZBWG are welcome to attend the ARB hearings on these articles. She also noted that the ARB had their first hearing on March 1, a few nights prior to the meeting. Christian asked for the staff to note where the voting threshold may be reduced due to recent legislation that was signed into law.

Turning to Article 39, on mixed use, Erin noted that the ARB considered this article on March 1. John recalled portions of the 2016 Town Meeting debate. Steve noted that the ARB members thought that standards should be separated out from the definitions. David noted that he did not think the ARB agreed with the proponent's goals and did not think that having standards in the definitions was not consistent with the recodification effort. Steve believes there's an overall tension in our zoning bylaw -- the bylaw took buildings and uses that existed in 1975 and codified them into law. He feels that's made it difficult for the community to change and adapt; it's a bigger issue, which is beyond the scope of this article. Christian asked if that suggestion would be within the scope of the article. Jenny indicated that she has spoken with Town Counsel, and it doesn't seem within scope.

On Article 40, John's article addressing the conversion of commercial spaces to residential spaces, Erin noted that the ARB considered this article on March 1. David indicated that the ARB expressed concern that the financing of affordable housing would prevent more housing in general and especially affordable housing. John expressed his goals with this article to create affordable housing. Steve asked how the economics of this were supposed to work. John didn't believe that should be a consideration.

Article 34 includes amendments for delivery of marijuana products. Erin explained that the article creates new definitions for delivery of products, and she noted some of the state license requirements around that use. Erin also described some of the minor updates necessary with the Cannabis Control Commission's updates to their regulations. Steve asked

about how the zoning districts were selected for the Delivery-Only Marijuana Retailer. Erin explained how the land use is similar to the use of Marijuana Production Facilities. Erin explained that there is no public retail space for this type of use.

Article 41 would create a definition of foundation. Steve wondered how a front addition would be considered by this definition, as it might be excluded. Christian noted that the article seeks to clarify what is the main foundation versus a portion of a home that is sitting on posts. Other members thought that the clarity would be helpful. Jenny noted that it is unusual for zoning bylaws to define foundation.

Article 38 would allow the construction of energy efficient homes and foundations on non-conforming lots so long as certain industry standards are met. Steve wondered if subdivisions would be allowed. Christian asked about the options for different scenarios. Pam noted that there should be consideration of allowing exemptions from the height limitation to accommodate elevating buildings above base flood elevation when homes are rebuilt. Steve supported this idea. Jenny noted that it is a good recommendation for the Net Zero Action Plan.

Noting the time, Erin asked for a review of the meeting summary. On the meeting summary from January 6, John made a motion to approve the summary. Charlie seconded the motion. All members in attendance approved the motion through a roll call vote.

Article 45 seeks to increase the percentage of affordable units. Christian asked if the economics of affordability have been assessed. Steve noted the Somerville nexus study included a comprehensive study of the economics of inclusionary zoning. David noted that the ARB has considered increasing the percentage of affordable units and incentives in the Zoning Bylaw.

Article 43 would allow accessory dwelling units in single-family, two-family, and duplexes and in detached structures in residential districts and business districts. This article would receive a lower voting threshold. John asked if the ARB would allow this article to move forward due to its similarity to an article from 2020. Erin indicated that this is on the ARB's March 15 agenda.

Article 42 would allow the construction of affordable units on non-conforming lots. Christian asked about whether the existing lot would need to remain conforming. Erin indicated that she thought it would. John indicated that creating new non-conforming lots should not be allowed. He also thought that the front yards were too small when considering the other setbacks on the street.

Article 46 would authorize a teardown moratorium to study how to preserve homes built before 1950 and with a gross floor area with less than 1,000 square feet. Christian asked about an overlay district to preserve starter homes. Erin indicated that she was not aware of any effort by the Town to study this topic. Charlie wondered why 1950 was selected by the petitioner.

On Article 49, side yard sky exposure plans, Pam wondered if other towns have similar zoning. David wondered about the implications of the amendment.

Article 44 is pretty broad, but the petitioner will expand upon the amendment that was adopted in the fall for parking in the B3 and B5 districts. There were no comments.

The Disability Commission via the Select Board submitted Article 47 and 48. Christian wasn't certain that Inspectional Services could be authorized to enforce the ADA, but he agreed that including a reference to the MAAB standards in the Zoning Bylaw would be good.

Article 35 on industrial zoning, which originated with the ZBWG. John is concerned with the lack of limitations regarding residential uses. Erin directed John to the new section of 5.9.2 for the standards that were moved out of the definitions. Christian noted that the mixed-use could not be a duplex structure with a side-by-side use. Charlie noted that the Master Plan included a recommendation to limit the residential uses in mixed-use to 50% of the gross floor area. Erin noted that she is working with RKG to narrow in what the ideal balance between residential and commercial/industrial uses. David agreed that clarity would be helpful. He also noted that RKG was emphatic that increasing the amount of residential would make projects economic viable.

The last item, Article 36, would update the date of the zoning map. There were no comments.

Meeting adjourned at 10:00 AM.

Christian moves to approve, Charles seconds (5-0-1) Ralph abstains from vote.

Minutes approved.